

Board of Commissioners
December 29, 2008 – 8:45 am

Meeting called to order by President Rininger. Commissioners Rininger, Logsdon, Gogel, and Board Attorney Lueken were present.

Health Department – Nurse Comp Time

Dr. McGinnis, Health Officer over the Health Department, explained to the commissioners that the nurses should be allowed to carry over all of their comp time into 2009 because of the immunization program they ran at both of the county high schools. He said the program required documentation which took many hours to complete. Rininger asked McGinnis for a recommendation. McGinnis stated that the nurses should be able to get the comp time back down within the first quarter of 2009. Discussion was had on the immunization program.

Logsdon asked if it will become an annual event. McGinnis stated that now it should only be necessary for the incoming freshmen and transfer students and the comp time can be planned for in advance. Logsdon made a motion to allow the nurses to carry over comp time in excess of the 45 hours allowed in the employee handbook until the end of the first quarter of 2009. Gogel seconded. All in favor.

Old State Road 231

A brief discussion was held on the county takeover of old State Road 231 and the payment to be received from the state. Future discussion will be had regarding when the payment will be made and how the money will be spent.

Highway Gas and Fuel Bids

Bids were received from Superior Ag, Ackerman Oil, and Petroleum Traders for the gas and fuel supplied to the county. Highway Superintendent Painter stated that in the past all three bids were accepted and then when fuel was needed all three were called for a quote. Painter further stated that Superior Ag is located within Spencer County and their fuel is purchased from Mt. Vernon, so it is regional oil. Logsdon made a motion to accept all three bids and delegate the authority to the Highway Superintendent to make the decision as to which to use when gas and fuel is needed. Gogel seconded. All in favor.

Claims

Logsdon made a motion to approve claims. Gogel seconded. All in favor.

Appointments

2009 Appointments	<u>Motion</u>	<u>2nd</u>	<u>Vote</u>
Commissioner President – RININGER	AL	DG	ALL
Commissioner Vice President – LOGSDON	DG	DR	ALL
Commissioner Attorney - LUEKEN	DG	AL	ALL
Discussion was had on signing Lueken to a contract to be paid a salary instead of on a per hours basis. The proposed salary is \$35,000, derived from an average of what has been paid to Lueken over the last five years plus retainer. Gogel stated that he would like the contract to be put in front of the council before the commissioners sign, to make sure they are willing to fund the contract. Currently only \$20,000 is in the budget for legal fees and \$5,500 in salary. Gogel made a motion to request a transfer of \$15,000 from legal fees to salary. Logsdon seconded. All in favor.			
Health Board – Dan Traylor DVM, Stanley Tretter MD, William Young	AL	DG	ALL
CH Custodian – Ruthie Selzer	AL	DG	ALL
Courthouse Maint –Joe King	DG	AL	ALL
Back-up Courthouse Maint – Bill Glenn, Sr.	AL	DR	ALL
Veterans Service Officer – DICK LAWSON	AL	DR	2-1(Gogel opposing)

Jack Morrison, the prior Veterans Service Officer, stated that the vote was illegal because he had not resigned and the VSO is not an appointed position. Logsdon stated that representatives of the American Legion have expressed displeasure with the job Morrison has done. Morrison stated he has received no complaints.

Lueken sited the Indiana Constitution Article 15, Section 2 which stated “*When the duration of any office is not provided for by this constitution, it may be declared by law; and, if not so declared, such office shall be held during the pleasure of the authority making the appointment.*” He presented the job description from the State Director of the Indiana Department of Veterans Affairs which stated “*The service officer should keep logs and records of their daily activities and report monthly to the Indiana Department of Veterans Affairs. A copy of their monthly report should also be shared with the County commissioners for their information.*” Logsdon stated that he has never received a report. Lueken also presented a copy of a document signed by Morrison which stated “*I also understand that I am employed on an at-will basis meaning my employment with Spencer County is not guaranteed for any particular length of time and may be terminated at any time, either by me or by Spencer County, for any reason.*”

Morrison presented a copy of an unsigned letter dated December 11, 2006 to all County Veterans’ Service Officers throughout the state from Tom Applegate, Director of the IDVA. The letter stated “*To our knowledge annual reappointments are not required by Indiana statute and there is no requirement for counties to do this. Since the Service Officer “serves under the supervision of the Director of Veterans Affairs” the Director should be notified whenever the position is vacant or whenever someone new is appointed, but there is no need for the county to reappoint that person every calendar year, nor for the county to sign or initiate any document attesting to the fact that the Service Officer is still employed by that county.*” Lueken stated that he sees nothing in the letter to prevent a new appointment.

Morrison stated that he is going to sue the county and Commissioners Rininger and Logsdon individually because the appointment is illegal. Rininger stated the meeting needed to proceed.

Commissioner Meeting 12/29/2008 cont.

Highway Superintendent – Charles Painter	AL	DG	ALL
Asst. Superintendent – no appointment at this time	--	--	
Foremen–Louie Burch, Kirby Baum, Kenny Hoosier	AL	DG	ALL
Chip & Seal Foreman - Max Talbott	AL	DG	ALL
Cum Bridge Foreman – Charles Lee	AL	DG	ALL
Office Manager – Cindy Painter	AL	DG	ALL
Road Clerk – Kay Irwin	AL	DG	ALL
Building Commissioner –Jerry Bender	AL	DG	ALL
Asst Building Inspector – Phil Brown	AL	DG	ALL
EMA Advisory Board – GOGEL	AL	DR	ALL
Ind 15 Regional Plan – LOGSDON	DG	DR	ALL
Welfare to Work – GOGEL	AL	DR	ALL
SC Economic Development Comm.- (to be appt’s later)	--	--	
LEDC – RININGER	AL	DG	ALL
Joint appointment w/Council – John Wesner	DG	AL	ALL
Redevelopment Commission: (ANNUAL), Tom Vaal, David Dougan, Michael Schriefer & David Waninger	AL	DG	ALL
Port Authority – Brooks Holstein, Michael Cochenour, & Kerry Dougan	AL	DG	ALL
Advisory Plan – LOGSDON	DG	DR	ALL
Citizen Member – Pete Rapp	AL	DG	ALL
Citizen Member – Jerry Embry	AL	DR	ALL
Board of Zoning Appeals – Jerry Embry	AL	DG	ALL
Solid Waste Board – 3 Commissioners Inc. Town Brd Member – Fred Weber	AL	DG	ALL
American Disabilities – LOGSDON	DG	DR	ALL
Interlocal Board – GOGEL	AL	DR	ALL
Hearing Impaired – Kermitt Lindsey, Jr.	DG	AL	ALL
Park and Recreation – Mike Sisley	AL	DG	ALL
Spencer County Library – Cindy Limp	All ready appointed		
ABC Board (ANNUAL) – Tom Fleischmann	DG	AL	ALL
Tourism Commission – David Lovell *(requested to leave open until Super is named)	AL	DG	ALL
Prop Tax Adjstmnt Brd of Appeals (PTABOA) Patty Cochenour & Rose Braun	DG	AL	ALL
SC Public Defender Council –Bill Deal Warren Byerly(2009), Bob Arnold(2010)	AL	DG	ALL
Mariah Hill RSD – none	--	--	
SC Animal Control Bd – (4 yr term)			
Santa Claus - Joey Brown (exp 08)	AL	DG	ALL
Dale - Curtis Conley (exp 2009)	--	--	
Rockport - Dale Meredith (exp 2010)	--	--	
Comm – David Gogel (ANNUAL)	AL	DG	ALL
Vet - Dr. Kevin Kennedy (exp 2011)	--	--	
SC Humane Society – Joy Zook (exp 2009)	--	--	
Rural At-large – Susan Waterman (exp 2009)	--	--	
Roberts Rules of Order (modified)	DG	AL	ALL
Meeting Dates and Time 1 st Tue @ 8:30 am & 3 rd Tues @ 2:30 pm	AL	DG	ALL

Meeting Date Change

Logsdon asked if the first meeting in March could be moved from Tuesday, March 3rd, to Monday, March 2nd. Gogel made a motion to change the meeting date as recommended. Rininger seconded. All in favor.

Resolution 2008-5 Coal Gasification

Logsdon stated that he was contacted by Representative Russ Stillwell and asked if county officials supported the location of a coal gasification plant in the county. Logsdon stated that he attended an Energy Summit and Indiana is sitting on a tremendous amount of coal which is unused currently. If that coal can be used in an environmentally friendly way, it should be. Logsdon further stated that the resolution is a general statement of support for clean coal technology and is not a statement of support specifically for Indiana Gasification. Rininger stated again that it must be environmentally friendly. He also stated the need to become independent from foreign oil.

Gogel made a motion to approve Resolution 2008-05. Logsdon seconded. All in favor. The resolution reads as follows:

SPENCER COUNTY RESOLUTION 2008-05

WHEREAS, a coal gasification to synthetic natural gas facility is proposed to be constructed in Spencer County; and

WHEREAS, the construction of such a \$ 2 Billion facility would generate 1000 construction jobs and 150 full-time production jobs having over \$50,000 average annual salaries; and

WHEREAS, the assessed value in Spencer County, now almost \$1.3 Billion, would be significantly increased with the construction of a \$ 2 Billion facility, thereby benefiting all property taxpayers in Spencer County; and

WHEREAS, the ability of such a facility to utilize clean coal technologies being promoted by federal and state leaders to convert and use the high sulfur coal located in Spencer County and the surrounding area, while minimizing the negative environmental effects of current processes, would be beneficial to local landowners.

NOW, THEREFORE, BE IT RESOLVED that the Spencer County Board of Commissioners encourages interested parties to pursue all avenues to facilitate the construction of a coal gasification to synthetic natural gas facility that is environmentally friendly in Spencer County; and

BE IT FURTHER RESOLVED that appropriate state and federal agencies continue to adopt and enforce regulations to protect the health, safety, and welfare of the residents of Spencer County and the surrounding area; and

BE IT FURTHER RESOLVED that the employment of local construction workers and Spencer County production workers is strongly encouraged during the construction and operation of such a facility.

ADOPTED this 6th day of December, 2008.

SPENCER COUNTY BOARD OF COMMISSIONERS

Dan Rininger, President

Thomas A. Logsdon

David Gogel

ATTEST:

Cindy Shelton, Spencer County Auditor

Jeff Lindsey, representing LEDC, thanked the commissioners for their support and stated that LEDC is committed to bringing in businesses that are good for the county financially and environmentally. Tom Utter, Director of LEDC, also expressed his appreciation.

The meeting was recessed at 10:29 am.

The meeting reconvened at 10:34 am.

Union Contracts

Jail & Dispatchers - A brief discussion was had on the contract for the jail and dispatchers. Chief Deputy McDurmon stated that he saw no problems with the contract. Logsdon made a motion to sign the Collective Bargaining Agreement approved by the Jailers and Dispatchers. Gogel seconded. All in favor.

Highway – With the highway contract Logsdon questioned the language on page 5 section 7. He stated that it needs to be clarified that management has the right to determine when and if the department goes to the 4

days per week and 10 hours per day work week. Language was also added to section 2 on page 4. Shelton will make the suggested changes and email a copy of the contract to the union representative.

Highway Report

Painter stated that the new bridge on CR 500 N is now open. It will be paved this spring.

Legal Report

ATV Bill – Lueken stated that he spoke with Representative Russ Stillwell about a bill to eliminate county liability for ATV accidents on county roads. January 28th is the AIC Legislative Day.

Drug Testing – Lueken said he has not heard from the Sheriff’s Department regarding the drug testing. He will contact them after the first of the year.

Tort Claim Notice – The county received notice of a tort claim in which the county is listed, regarding a fatal car accident on State Road 231.

231 Plaza Litigation – Lueken reported that there is no ruling yet on the 231 Plaza hearing. Lueken explained that an additional will be needed from Riverboat for the legal expenses. Logsdon made a motion to request an additional of \$10,000. Gogel seconded. All in favor.

Claims

Logsdon made a motion to approve an additional set of claims. Gogel seconded. All in favor.

Raises

Logsdon stated that the Governor has asked for public officials to forego their raises for 2009. He would like the topic to be placed on the agenda for the January 6th meeting.

The meeting was recessed at 11:20 am.
The meeting reconvened at 11:30 am.

Public Safety Building

Jan Crider, representing Indiana Homeland Security, stated that FEMA has requested a re-drafting of the proposed budget for the Public Safety Building. She also stated that by mid-January a meeting should be held with the architect so the final changes can be made, and the county could potentially break ground by late spring. Representative Baron Hill’s appropriation for \$1 million will be going through Homeland Security and it is specifically geared toward setting up the Emergency Operations Center. The grants must be accounted for separately. Logsdon stated that FEMA has stressed the importance of having the dispatch center in the EOC.

Discussion was had on having a work session mid-January and possibly a community forum to answer questions by taxpayers.

Logsdon made a motion to adjourn. Gogel seconded. All in favor. The meeting was adjourned at 12:39 pm.

Board of Commissioners,

_____ President	_____
_____ Attest:	_____
_____ Cindy Shelton, Auditor	_____
